

1 LAURENCE PARADIS (STATE BAR NO. 122336)  
ALEXIUS MARKWALDER (STATE BAR NO. 227004)  
2 MARY-LEE E. KIMBER (STATE BAR NO. 239086)  
DISABILITY RIGHTS ADVOCATES  
3 2001 Center St., Third Floor  
Berkeley, CA 94704  
4 Telephone: (510) 665-8644  
Facsimile: (510) 665-8511  
5 TTY: (510) 665-8716  
Email: [general@dralegal.org](mailto:general@dralegal.org)

6 Attorneys for Plaintiffs

8 BRUCE BEHRENS, Chief Counsel  
9 DAVID GOSSAGE, Deputy Chief Counsel  
G. MICHAEL HARRINGTON, Assistant Chief Counsel  
10 DAVID N. SANDLER (STATE BAR NO. 51499)  
595 Market Street, Suite 1700, San Francisco, CA 94105  
11 Mail: P.O. Box 7444, San Francisco, CA 94120-7444  
Telephone: (415) 904-5700  
12 Facsimile: (415) 904-2333

13 Attorneys for Defendants

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18  
19 CALIFORNIANS FOR DISABILITY  
RIGHTS, INC. ("CDR"), CALIFORNIA  
20 COUNCIL OF THE BLIND ("CCB"),  
BEN ROCKWELL and DMITRI  
21 BELSER, on behalf of themselves, and on  
behalf of all others similarly situated,

22 Plaintiffs,

23 v.

24 CALIFORNIA DEPARTMENT OF  
25 TRANSPORTATION ("Caltrans") and WILL  
KEMPTON, in his official capacity.

26 Defendants.  
27  
28

Case No. C 06 5125

**STIPULATION RE EXCLUSION OF  
STUHR v. CALIFORNIA FROM THE  
SCOPE OF THE CLASS AND  
~~PROPOSED~~ ORDER**

Whereas, Disability Rights Advocates, on behalf of their clients Californians for Disability Rights, the California Council of the Blind, Ben Rockwell and Dmitri Belser, filed a class action lawsuit on August 23, 2006 in the Northern Federal District Court against the California Department of Transportation and Will Kempton (Case No. C-06-5125 SBA), alleging systemic accessibility violations along pedestrian rights of way and Park and Ride facilities across the state of California and under the jurisdiction of Caltrans;

Whereas, Mark Potter, on behalf of his client Jeff Stuhr, filed a separate lawsuit on September 5, 2006 in the Superior Court for the County of Sonoma against the state of California (Case No. SCV 239273), alleging an inaccessible sidewalk with steps and no curb cut in front of 18133 Sonoma Highway 12 in Sonoma County, California;

Whereas, there is potential for overlap in the two lawsuits given that Plaintiff Stuhr would also be a class member in Case No. C-06-5125 SBA, if certified as a class action; and

Whereas, Plaintiff Stuhr in Case No. SCV 239273 alleges and seeks monetary damages and Plaintiffs in Case No. C-06-5125 SBA seek only injunctive relief;

The undersigned parties, by and through their counsel of record, hereby stipulate and agree to the following:

1. Should this Court in Case No. C-06-5125 SBA certify any class, the scope of said class will be restricted so as to exclude the barriers alleged in Case No. SCV 239273;
2. The specific barriers to be excluded from Case No. C-06-5125 SBA are:
  - a. The stairs located on the sidewalk in front of 18133 Sonoma Highway 12, Sonoma, California; and
  - b. The missing curb ramp on the sidewalk in front of 18133 Sonoma Highway 12, Sonoma, California.

SO STIPULATED.

1 DATED: October 31, 2006

CALIFORNIA DEPARTMENT OF TRANSPORTATION

David N. Sandler  
Attorneys for Defendants

2  
3  
4 ~~DATED: October~~ November 2, 2006

DISABILITY RIGHTS ADVOCATES

MEL  
Mary-Lee E. Kimber  
Attorneys for Plaintiffs

5  
6  
7  
8  
9 **(Proposed) ORDER**

10 IT IS SO ORDERED.

11  
12 Dated: 11/9/06

Saundra B. Armstrong  
HONORABLE SAUNDRA B. ARMSTRONG  
U.S. DISTRICT COURT JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 \\Server\cases\CDR.CalTrans\Pleadings\Stipulations\Stip\_StuhrCarveOut.doc